GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home Department – Courts – Appeals – Crime No.25/2013 of CID Police Station–Orders in C.C No.5/2016 on the file of II Additional Judicial Magistrate of First Class Court, Kakinada and the orders of IV ADDL District and Sessions Judge, Kakinada [FAC to VI ADDL District and Sessions Judge in CA No. 263/2017– Filing of second Appeal - Permission Accorded – Orders – Issued.

HOME (COURTS.B) DEPARTMENT

G.O.RT.No. 1009 Dated: 28-11-2019
Read:

From the Addl.Director General of Police, CID, Mangalagiri, C.No.4821/C52/CID/2013, Dated 08-07-2019.

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O R D E R:-

In the reference read above, the Addl. Director General of Police, CID, Mangalagiri has forwarded the report and opinion of Additional Public Prosecutor, VI Addl.District Court, Kakinada against the acquittal Judgment in C.C No.5/2016 on the file of II Additional Judicial Magistrate of First Class Court, Kakinada in Cr.No.25/2013 and the orders of VI ADDL Sessions Judge, Kakinada in CA No. 263/2017 wherein it is informed that the accused Estamsetti Rambabu, Polumuri Kanakalingeswara Rao, are working as teachers and obtained promotions from SGT to School Assistants, by submitting fake M.A., [English] certificates to D.E.O, East Godavari District, Kakinada, alleged to have been issued by the Allahabad University. The then Assistant Director, Legal, D.E.O. Office, Kakinada presented a report of C.I.D. P.S. of Hyderabad. Based on that, a case was registered and investigated by the CID police. After conducting investigation, C.I.D.P.S. filed a charge sheet against the accused and the same was taken on file by the Hon'ble II Addl JFCM [Designated court for CID Cases] Court, Kakinada. During the trial, prosecution PWs-1 to 11, Exhibits P-1 to P-18 were marked. After the trial, the learned magistrate acquitted the accused, as the prosecution failed to establish the guilt of the accused, beyond all reasonable doubts and they were given benefit of doubt.

2. Basing on that Judgement, the CID P.S filed an appeal vide C.A.No.263/2017 on the file of VI ADDL District and Sessions Judge, Kakinada, and the same was came to the Court of Hon'ble IV ADDL District and Sessions Judge, Kakinada [FAC to VI ADDL District and Sessions Judge] for arguments. After hearing both sides, the learned IV Addl District and Sessions Judge Kakainda without observing the merits of the case, came to a conclusion and confirmed the lower court order and acquitted the accused in CA No.263/.2017 dated 18-03-2019 in CC No.5/2016 on the file of Hon'ble Court of II A.J.F.C.M., Kakinada in Cr No. 25/2013 under Sections 420,468,471 of IPC of CID P.S., Hyderabad.

(P.T.O)

3. The Addl. Public Prosecutor has opined that it is a fit case to prefer a second appeal before the Hon'ble High Court of A.P against the orders of acquittal in this case, and requested permission to file an appeal in the case by Public Prosecutor, High Court of Andhra Pradesh.

4. Government, after careful examination of the matter and in exercise of the powers conferred under section 378 of the Code of Criminal Procedure, hereby direct the Public Prosecutor, High Court of Andhra Pradesh, to prefer a second appeal against the orders dated 18-03-2019 in C.A.No.263/2017 on the file of VI ADDL District and Sessions Judge, Kakinada.

5. The Public Prosecutor, High Court of Andhra Pradesh, shall take necessary action, accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.R.M. KISHORE KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Public Prosecutor, High Court of A.P, Nelapadu, Amaravathi. (w.e)
Copy to:-
The Addl.Director Police,CID, mangalagiri.
SC/SF

//FORWARDED::BY ORDER//

SECTION OFFICER